

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JERRY DANIEL PROFFITT,  
Petitioner,  
v.  
PATRICK COVELLO,  
Respondent.

No. 2:20-cv-02433-TLN-GGH

**ORDER**

Petitioner Jerry Daniel Proffitt (“Petitioner”), a state prisoner proceeding *pro se*, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 30, 2020, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 8.) Neither party has filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed *de novo*. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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1 The Court has reviewed the file and finds the findings and recommendations to be  
2 supported by the record and by the magistrate judge's analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

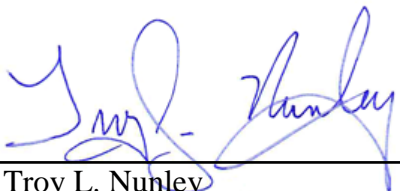
4 1. The Findings and Recommendations filed December 30, 2020 (ECF No. 8), are  
5 ADOPTED IN FULL;

6 2. This action is DISMISSED as a second or successive habeas corpus application  
7 without prejudice to its refiling with a copy of an order from the Ninth Circuit Court of Appeals  
8 authorizing Petitioner to file a successive petition.

9 IT IS SO ORDERED.

10 DATED: February 10, 2021

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Troy L. Nunley  
United States District Judge